THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5897 of 2007

Dt:23.03.2007

Between:

Bejoy Cherian.

.. Petitioner

and

The Deputy Transport Commissioner, Kakinada, East Godavari District and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5897 OF 2007

ORDER:

The vehicle of the petitioner bearing No.KL 05/T 6432 was seized on 31.01.2007, on the ground that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 31.01.2007, issued by the 3rd respondent, discloses that the petitioner did not produce R.C., I.C., F.C., permit and proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioner in the context of

these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 3rd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a) the vehicle of the petitioner, bearing No.KL 05/T 6432, shall be released, on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only); and

b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

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23.03.2007

Note: Issue C.C. tomorrow.

(B/o)

JSU